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- A.—(1) The Chief Conservator of Forests, under general instructions from Government, has already done so.
- (2) No such deputation is necessary as under orders, recently issued by the Chief Conservator of Forests, the local District Forest Officer has been instructed to prepare a list of suitable works which should be undertaken when funds permit.

Railways.

Levy of railway cess by the Salem district board.

410 Q.—Rao Sahib S. ELLAPPA CHETTIYAR: Will the hon. the Home Member and the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Salem district board has levied cess under section 78 (b) (1) of the Local Boards Act of 1920 ;

(b) whether it is a fact that the income from such cess has been earmarked by the district board for railway purposes ;

(c) whether it is a fact that the Salem district board has sanctioned a scheme for opening railway communication from Salem to Rasipur and that this scheme is pending final orders from Government ;

(d) whether it is a fact that the Government have now passed an order to utilize the amount referred to in clause (a) above for wiping off the deficit of Rs. 1,23,218, of the taluk boards ;

(e) whether it is a fact that the deficits of the taluk boards of many other districts were wiped off by Government by compassionate grants ;

(f) if so, why the Salem district board alone was asked to wipe off the deficits of taluk boards from funds levied under section 78 (b) (1) of the Local Boards Act instead of from Government grant ; and

(g) under what provision of the Local Boards Act the Government have issued such orders ?

A.—(a) & (b) The answer is in the affirmative.

(c) The hon. Member is referred to the answer to clauses (d) and (e) of question No. 226.

(d) Yes. The sum of Rs. 1,23,218 represents only a portion of the income raised under section 78 (b) (i).

(e) & (f) Where the district boards had surplus funds, they were asked to make contributions to taluk boards to wipe off their deficits. Where the surplus funds of the district boards were inadequate for the purpose they were supplemented by compassionate grants from Government equal to the difference between the deficits and the surplus funds of the district boards. Where the district boards themselves had deficits, e.g., Anantapur and Bellary, the deficits of both the district and taluk boards were met by compassionate grants from Government. Many district boards, besides Salem, were asked to make contributions towards the deficits of taluk boards. As already explained, this was done because they had sufficient surplus funds. The attention of the hon. Member is in this connexion invited to G.O. No. 2173, L. & M., dated the 3rd October 1923, placed on the Editors' Table.

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(g) Section 78 (b) (i) of the Madras Local Boards Act, 1920, permits the levy of the additional cess for district board purposes and the income from it therefore forms part of its general revenues. The district board may earmark the whole or a portion of this income for railway purposes if it chooses, provided it is able to meet its expenditure on services from its revenue under other heads. But there is no statutory obligation on it to reserve this income for railway purposes and it would not be illegal to utilize it for other purposes if and when necessity arises. The circumstances of the current year are special and it is necessary that the taluk boards should be enabled to wipe off their deficits in view of the introduction of the banking system from 1st December 1923. The Government have afforded relief to district and taluk boards in several directions in the current year mainly with the object of facilitating the introduction of this system. The district board is financially in a position to help the taluk boards at this juncture. It was therefore requested to wipe off the deficits of the taluk boards. The contribution to the taluk boards for this purpose can be made under rule 4 (3) of schedule V of the Madras Local Boards Act, 1920, as they have the sanction of Government.

Mr. T. ADINARAYANA CHETTIYAR :—“May I know, Sir, whether the district board of Salem was consulted in the matter and whether they protested against the action of the Government and pointed out that the matter was illegal?”

The hon. the RAJA OF PANAGAL :—“They were not able to meet the deficit of the taluk boards and hence the advice.”

Mr. T. ADINARAYANA CHETTIYAR :—“But my question is, Sir, whether they were first consulted about it.”

The hon. the RAJA OF PANAGAL :—“I have already stated, Sir, that the district board was asked to wipe off the deficits and it could not do it otherwise than by utilizing a portion of the collections for discharging the debts of taluk boards.”

Mr. T. ADINARAYANA CHETTIYAR :—“Is it an order of the Government in the first instance or was the district board first consulted in the matter?”

The hon. the RAJA OF PANAGAL :—“The district board was asked to wipe off the deficits and it had no other funds to do so. The collections were made under section 78 (b) and the section authorizes the use of the amount so collected for the general expenditure.”

Mr. V. C. VELLINGIRI GOUNDER :—“Will the Government be pleased to take steps to modify the section 78 (b) in view of the fact that funds raised for an important project should not be diverted to other purposes? For, ordinary common sense will say that the tax-payer will not at all come to a conclusion that such a diversion of funds could be allowed.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“I want to ask whether this was done only in the case of Salem or whether the Government have adopted the policy of asking several district boards to wipe off the deficits of all the taluk boards, primarily out of the railway funds?”

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The hon. the RAJA OF PANAGAL :—“Wherever the district boards have funds at their disposal, they are asked to pay off such deficits but where they have no such funds, the Government give helps in the shape of compassionate grants.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“Are not the railway funds primarily intended for railway construction? Is it now the policy to utilize such railway funds for wiping off deficits of taluk boards?”

The hon. the RAJA OF PANAGAL :—“There is difference between these things. The funds which were accumulated before the passing of the new Act are on a different basis. They were earmarked for purposes of railways. But after the introduction of the new Act, any collections made are collections for general purposes. Thus in this case it is permissible under section 78 of the new Act.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“Are not the taluk board funds separate from district board funds? To what category do railway funds belong?”

The hon. the RAJA OF PANAGAL :—“They are not railway funds. I have already stated that the funds collected under section 78 are not railway funds but are funds collected for general purposes.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“Do they form part of the district board or taluk board funds?”

The hon. the RAJA OF PANAGAL :—“They belong to the district board.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“Then, how is the Government justified in diverting a portion of the district board funds for purposes which are binding on the taluk boards?”

The hon. the RAJA OF PANAGAL :—“Sir, I have already answered that question.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“No answer has been given so far as I am aware.”

The hon. the RAJA OF PANAGAL :—“I said, Sir, that whenever the taluk boards were in deficit, the district boards are asked to wipe off those deficits.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“Is there any legal liability on the district boards to do so?”

(No answer.)

Rao Sahib S. ELLAPPA CHETTIYAR :—“When additional cess is levied under section 78 (b), should it not be used for district board purposes alone?”

The hon. the RAJA OF PANAGAL :—“It cannot be said that the purposes of the taluk board are altogether different from those of the district board. In fact, taluk boards are included in the district board.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“But are not the purposes of the taluk board and district board distinctly differentiated in the Act itself?”

The hon. the RAJA OF PANAGAL :—“That is true; but the taluk boards are included in the district boards.”

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Rao Sahib S. ELLAPPA CHETTIYAR:—"Under rule 4 of schedule 5, is it not necessary for the district board to come to the Government and obtain the sanction of the Government; or do the Government themselves say that that amount should be utilized for wiping off the deficits of the taluk boards?"

The hon. the RAJA OF PANAGAL:—"I should like to have notice of the question."

Mr. S. SATYAMURTI:—"With reference to clause (g), somewhere about the middle of it, it is stated in the answer that 'the circumstances of the current year are special and it is necessary that the taluk boards should be enabled to wipe off their deficits' and so on. May I know, Sir, what those special circumstances are?"

The hon. the RAJA OF PANAGAL:—"We wanted to place the finances of these local bodies on a firm footing and wherever it is found necessary that the Government should give compassionate grants, they have given."

Mr. S. SATYAMURTI:—"Am I to understand, Sir, that it is the special circumstance of the Madras Government this year that they want to put the local boards on a firm footing?"

The hon. the RAJA OF PANAGAL:—"Yes."

Mr. T. ADINARAYANA CHETTIYAR:—"May I know, Sir, whether the district board has pointed out to the Government the illegality of their action?"

The hon. the RAJA OF PANAGAL:—"I do not admit that it is illegal."

Mr. V. C. VELLINGIRI GOUNDER:—"My point has not been answered, Sir. Will the hon. the Minister be pleased to consider the desirability of modifying these statutory provisions so that such a procedure will not hereafter be repeated?"

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"In view of one of the answers given by the hon. the Minister that the district boards should wipe off the deficit of the taluk boards, may I ask him to point out any provision of law making them obligatory to do so?"

The hon. the RAJA OF PANAGAL:—"I have already stated that the taluk board is within the jurisdiction of the district board. As such, it is necessary that the district boards should come to the succour of the taluk boards."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"So is the district board under the jurisdiction of the province!"

The hon. the RAJA OF PANAGAL:—"Exactly; that is the reason why the Government are giving compassionate grants."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Is it the idea of the Government to ask the district boards to supply funds to the unions also because the unions are within the jurisdiction of the district boards?"

(No answer)

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Mr. A. RANGANATHA MUDALIYAR:—"Have the Government taken legal opinion that they are not civilly liable for the diversion of these funds?"

Mr. V. C. VELLINGIRI GOUNDER:—"My question has not yet been answered, Sir."

The hon. the PRESIDENT:—"As regards the question put by the hon. Member, Mr. Vellingiri Gounder, I presume that it was not answered because it was a suggestion for action."

Mr. V. C. VELLINGIRI GOUNDER:—"My point was whether the hon. the Minister would consider the desirability of modifying the section."

The hon. the PRESIDENT:—"A question in that form is a suggestion for action."

Civil Justice.

Appointment of non-gazetted officers to the Provincial Judicial Service.

411 Q.—Mr. J. D. SAMUEL: Will the hon. the Law Member be pleased to state if his attention was drawn to a Resolution of the 3rd Provincial Conference of non-gazetted officers held in 1921 praying that one-third of the vacancies in the Provincial Judicial Service may be reserved for duly qualified non-gazetted Officers in the Judicial department?

1 p.m. A.—The Resolution has since been perused but such recruitment is prohibited under the orders of the Government of India.

Mr. J. D. SAMUEL:—"Will the Government consider the prayer of the non-gazetted officers?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I shall consider it."

Irrigation.

Water-rate for the lands irrigated by the Periyar river.

412 Q.—Mr. A. CHIDAMBARA NADAR: Will the hon. the Law Member be pleased to state—

(1) whether it is a fact that the water-rate for the lands irrigated by the Periyar river in the Madura district is going to be doubled;

(2) whether any Government Order has been issued with regard to the matter; and

(3) if so, what the reason is for enhancing the assessment?

A.—(1) & (2) No. The hon. Member is referred to notifications published at page 1142, Part I of *Fort St. George Gazette*, dated 9th October 1923, and page 1397, Part I of *Fort St. George Gazette*, dated 11th December 1923. These notifications refer to a small area of about 1,300 acres of land in Cumbum valley recently included in Periyar water-rate area.

(3) Higher rates than the ordinary Periyar rates were fixed owing to the need for limiting further irrigation and the very high value of water in this area.